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2
3 BEFORE THE STATE OF WASHINGTON
4 ENERGY FACILITY SITE EVALUATION COUNCIL

5 In the Matter of)
6 Application No. 96-1)
7) KING COUNTY'S OPENING
8) STATEMENT
9 OLYMPIC PIPE LINE COMPANY)
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11 CROSS CASCADE PIPELINE PROJECT)
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As with other county parties to this proceeding, King County's participation has been open-minded and without preconceived bias in favor or in opposition to the proposed Cross-Cascades Pipeline. Our review in this matter has been directed in large part by development standards expressed in the King County Comprehensive Plan and in pertinent King County zoning, clearing and grading, shoreline and surface water management codes. This focus was due in part to our conviction, based upon extensive experience developed among County development review staff, that the policies and standards adopted by the County's legislative and executive branches impose necessary and time-proven thresholds for protecting King County's valuable resources. Focus on County Code standards was likewise based on the fact that the County's review criteria closely parallel EFSEC's independent project review standards expressed in the Washington Administrative Code.

As a reviewing agency, King County is not insensitive to the difficult balance this Council must maintain in conducting a hearing that is both expeditious and meaningful and fair in providing opportunity for review and input. We are mindful of the fact that the procedural structure of this

1 unified hearing makes this balance especially difficult to maintain when, unlike County
2 development review procedures, formal hearing review is not preceded by the give and take of an
3 in-depth staff-level review and recommendation to the hearing body.

4 King County believes that the State of Washington envisioned that an appropriate substitute
5 for such preliminary staff-level review typical of development projects in this State would occur
6 during EFSEC proceedings by requiring the applicant to preliminarily submit to local government
7 review in order to ascertain compliance with pertinent land use plans and zoning codes. Only after
8 compliance with such standards is ascertained during the initial hearing would adjudicatory
9 proceedings occur concerning site certification.

10 King County does not believe, however, that this applicant has provided adequate
11 information for a meaningful assessment of the various project impacts, alternatives and mitigations
12 to have occurred. For example, the applicant has not provided necessary detailed information on
13 fundamental matters such as the manner in which the pipeline will be constructed, the alternatives
14 that were or should have been considered, the monitoring and maintenance of the pipeline, and the
15 emergency response plan for leaks or spills. This lack of information is especially troublesome
16 given the extraordinarily significant risks posed by the construction and operation of a petroleum
17 pipeline.

18 Apart from areas where critical information such as that mentioned above is lacking, in
19 many other respects, the proposal simply does not satisfy the relevant code provisions or adequately
20 protect the environment. For example, Olympic intends to cross several streams and rivers by open
21 trenching. This means that the stream or river will be diverted while an open ditch is dug across it.
22 As one might imagine, open trenching is potentially extremely disruptive and harmful to a stream or

1 river and the plant and animal life it supports. Such activity is absolutely prohibited under County
2 law for at least one of the crossings. For other crossings, this activity is prohibited unless it is
3 shown that there are no practical alternatives with less impact on the environment. In this case there
4 are practical alternatives to the proposed crossings that Olympic should use.

5 These are only a few of the examples of the deficiencies in the current proposal. During the
6 adjudicatory hearing King County will present seven witnesses who will discuss these and other
7 deficiencies in the proposed pipeline. County witnesses will discuss the incomplete nature of the
8 application, the lack of compliance with the County's land use plan and zoning regulations, the lack
9 of adequate alternatives analysis, the deficient pipeline design, construction, and monitoring plans,
10 and the impacts on stream and river crossings, groundwater, surface water, wetlands, geologic
11 hazard areas, fish, fish habitat and other elements of the environment.

12 In summary, with the ultimate goal of protecting the public health, welfare and safety of its
13 citizens, the County's witnesses provide well-informed and objective assistance to the Council in
14 determining whether the appropriate standards are satisfied. Had this project been subject to a King
15 County siting approval, the applicant would have been required to provide more complete
16 information prior to County issuance of a decision approving, approving with conditions, or denying
17 the project application. Based upon information that has been provided, as currently proposed, the
18 project does not satisfy the requirements of the King County Code or otherwise adequately protect
19 the environment within King County. As a result, King County recommends that the application be
20 denied.¹

21 DATED this 16th day of April, 1999.
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Respectfully submitted,

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¹ Of course, if the Olympic Pipe Line Company makes changes in its proposal that bring it into compliance with County land use plans and code standards, King County will inform the Council of that development.